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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/815,993

04/02/2004

Gary W. Brondt

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7590

02/07/2006

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.

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EXAMINER

DZIERZYNSKI, EVAN P

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/815,993	BRONDT ET AL.	
	Examiner	Art Unit	
	Evan Dzierzynski	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-19 is/are allowed.
- 6) ☐ Claim(s) 1,3-4,6-11,14-15,20, 21, 23, 25 is/are rejected.
- 7) ☒ Claim(s) 2,5,12,13,22 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

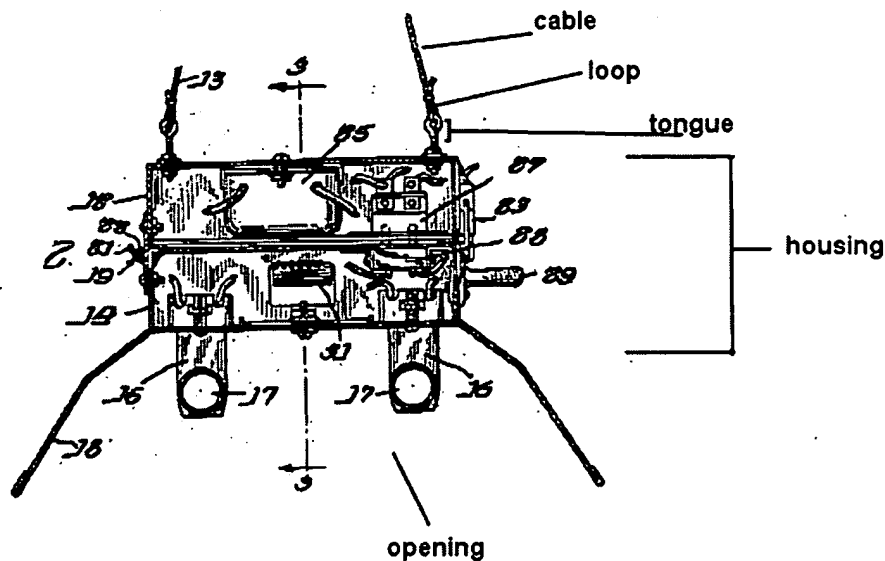
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

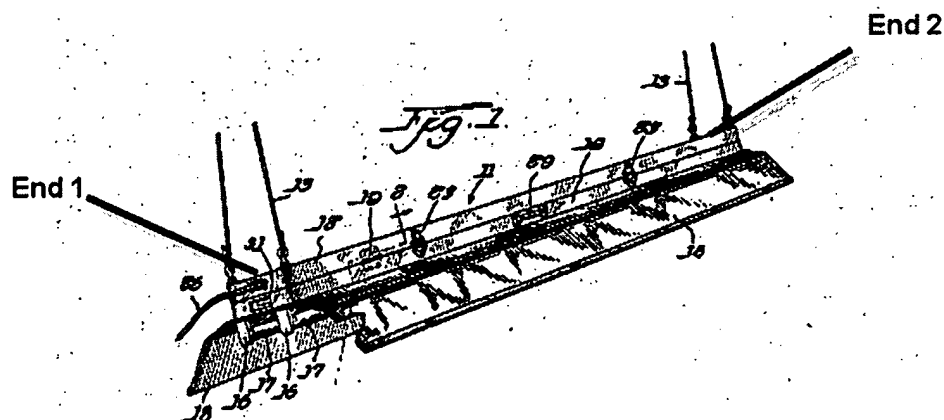
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-4, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Westby (US Pat 2678380).

With respect to claims 1 and 3 Westby teaches a lighting fixture (fig 1), comprising a housing supporting a first lamp 17 including a wall and an opening opposite the wall (drawn in below). Westby also teaches a first suspension cable 13 coupled with a housing. The cable includes opposite first and second ends (shown in Fig 1, not numbered) the first end of the suspension cable having a first loop (as indicated below). Westby also teaches a tongue that is formed in the wall of the housing that engages the loop of the cable, and a second tongue formed in the wall that has a second suspension cable that has a loop that engages the second tongue.



As for claim 4, Westby shows that the wall of the housing includes opposing ends and the first tongue is disposed adjacent to one of the ends (as indicated below).



As for claim 7, Westby further teaches the housing supporting a plurality of fluorescent lamps 17.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 2875

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westby in view of McAlpin (US Pub 2003/0058640).

As for claim 6, Westby teaches the lighting fixture as discussed above, but fails to teach a housing including first and second end caps engaging opposing ends of a wall of the housing. McAlpin teaches a housing fig 1 that includes first and second end caps 1, 2 engaging opposing ends of a wall of the housing. It would have been obvious for one of ordinary skill in the art to combine the end caps of McAlpin with the lighting device of Westby in order to provide a cover that protects the sides of the lighting apparatus.

As for claim 8, Westby teaches the lighting fixture as discussed above, but fails to teach a wall of the housing that includes an elongated slot allowing light from the lamp to shine there through away from the opening of the housing. McAlpin teaches a wall of a housing that includes an elongated slot allowing light from the lamp to shine there through away from the opening of the housing (section 0017). It would have been obvious for one of ordinary skill in the art to combine the slots of McAlpin with the lighting fixture of Westby in order to allow light to shine through the opening of the slot and to allow airflow into the device to cool the light sources.

Claims 9-11, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westby in view of Florence (US Pat 3591798).

Westby teaches the lighting fixture as discussed above, but fails to teach a first parabolic reflector that is coupled within the elongated housing, aligned with the first

Art Unit: 2875

lamp, including a plurality of baffles. Florence teaches a first parabolic reflector that is coupled with the housing 45 aligned with the first lamp for directing light in a direction through the opening of the housing. Florence also teaches the parabolic reflector having a plurality of baffles extending towards the opening of the housing 26. It would have been obvious for one of ordinary skill in the art to combine features of Florence with the device of Westby in order to reflect more light out of the apparatus by using a parabolic reflector, and to disperse the light more evenly by using baffles.

As for claim 10, Westby teaches the device of claim 9 as discussed above.

Florence teaches a second parabolic reflector that is coupled with the housing adjacent to the first parabolic reflector 41, and a second lamp is supported in the housing and aligned with the second parabolic reflector 15. It would have been obvious for one of ordinary skill in the art to combine features of Florence with the device of Westby in order to reflect more light out of the apparatus by using an additional parabolic reflector.

As for claim 11, Westby teaches a lighting fixture comprising an elongated housing 12 supporting first and second lamps 17 including a wall and an opening opposite of the wall (drawn above in regard to claim 1); the wall includes opposing ends (drawn above in regard to claim 4) and first and second suspension cables 13 coupled with the housing, each of the first and second suspension cables including opposite first and second end (shown in Fig 1, not numbered), and the second ends of the suspension cables are adapted to engage a support to suspend the housing 12 from the support (column 2, lines 55+). Westby also teaches first and second tongues formed integrally formed on the wall, and each of the first ends of the suspension cables having

Art Unit: 2875

a loop engaging the first and second tongues of the wall of the housing Westby fails to teach first and second reflectors for directing light from the first and second lamps through the opening. Florence teaches first and second reflectors directing light from the two lamps through the opening 41, 45. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the reflectors of Florence with the lighting apparatus of Westby in order to provide more of a lighting array by reflecting more light out of the device.

As for claim 15, Westby teaches the lighting fixture as discussed above. Florence teaches first and second parabolic reflectors that are coupled within the elongated housing and aligned with the first and second lamps, respectively, for directing light in a direction through the opening of the housing, and each of the parabolic reflectors including a plurality of baffles extending towards the opening of the housing 41, 45. It would have been obvious for one of ordinary skill in the art to combine features of Florence with the device of Westby in order to reflect more light out of the apparatus by using a parabolic reflector, and to disperse the light more efficiently by using baffles.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Westby and Florence as applied to claim 11 above, and further in view of McAlpin.

Westby teaches the lighting fixture as discussed above, but fails to teach a wall of the housing that includes an elongated slot allowing light from the lamp to shine there through away from the opening of the housing. McAlpin teaches a wall of a housing that includes an elongated slot allowing light from the lamp to shine there through away

Art Unit: 2875

from the opening of the housing (section 0017). It would have been obvious for one of ordinary skill in the art to combine the slots of McAlpin with the lighting fixture of Westby in order to allow light to shine through the opening of the slot and to allow airflow into the device to cool the light sources.

Claims 20, 21, 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westby in view of Ambasz (US Pat 4613930) and McAlpin (US Pub 2003/0058640).

As for claim 20, Westby discloses a method of suspending a lighting fixture from a support, including a housing supporting at least one lamp 17. McAlpin teaches the opposite first and second end caps (fig 1). It would have been obvious for one of ordinary skill in the art to combine the end caps of McAlpin with the lighting fixture of Westby in order to provide a cover that protects the sides of the lighting fixture. Ambasz discloses a lighting device with end plates and a support cable that is attached between the end plates and the main part of the housing. It would have been obvious for one of ordinary skill in the art to combine the end plate and suspension structure of Ambasz with the device of Westby in order to provide a more secure means of hanging the device from a removable end cap. Figure 1 of Ambasz suggests that the first end of the suspension cable is inserted between the housing of the fixture and the end caps in order to suspend the device. The method of looping the end of the suspension cable around a suspension member formed in the wall of the housing is inherent in the structure of the loop shown by Ambasz in 46, 48. The second end of the suspension cable opposite of the light fixture is suspended from a support, since the lighting fixture

Art Unit: 2875

of Westby is said to be supported by a structure with suspension cables (column 2, lines 55+).

As for claim 21, Westby teaches the method as discussed above. In figure 1, Ambasz shows that the suspension cable is inserted between the wall of the housing of the lighting fixture and looped the suspension cable around another suspension cable formed in the wall of the housing, as shown in figure 1. It is also inherent that the second suspension cable end opposite of the first end suspends the lighting fixture from the support, since the light is a light fixture.

As for claim 23, Westby teaches the method as discussed above, and further discloses that first and second suspension members are tongues formed with the wall of the housing 46 (indicated on page 3 of instant Office action).

As for claim 26, Westby teaches the method as discussed above. Ambasz fails to teach the order of coupling the suspension cables, but it would have been obvious to connect the suspension cable to the support before attaching it to the device in order to gauge the desired elevation of the lighting device in comparison to the support.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Westby, Ambasz and McAlpin as applied to claim 20 above, and further in view of Florence.

As for claim 25, Ambasz teaches the method as discussed above, but fails to teach a parabolic reflector and a plurality of baffles. Florence teaches a first parabolic reflector that is coupled with the housing 45 aligned with the lamp for directing light in a direction through the opening of the housing. Florence also teaches the parabolic reflector having a plurality of baffles extending towards the opening of the housing 26. It

Art Unit: 2875

would have been obvious for one of ordinary skill in the art to combine features of Florence with the device of Ambasz in order to reflect more light out of the apparatus by using a parabolic reflector, and to disperse the light more efficiently by using baffles.

Response to Arguments

Applicant's arguments, filed 1/6/2006 with respect to independent claims 1, and 11, and 20 have been fully considered and are not persuasive. Claims 1, 3-4, 6-11, 14-15, 20, 21, 23, 25 remain rejected.

The arguments in regard to Ambasz providing a tongue for the suspension cable are moot because the rejection has been changed. Westby meets the applicant's definition and the definition of Webster's dictionary of "tongue" because the structure between the cable loop and the wall is formed in the wall and is a tongue by the definition given.

Applicant's arguments filed in regard to claims 20-21, 23, and 25-26 have been fully considered but they are not persuasive. The Westby '380 patent in view of Ambasz '930 does disclose looping a suspension member formed in a wall of the housing, since where 66 meets 14a, and 14b is interpreted as being a wall of the housing and 14a itself is interpreted as an end cap, and the suspension member is looped around a first suspension member formed in the wall of the housing 46.

Allowable Subject Matter

Claims 16-19 are allowed as indicated on the Office action of 10/7/2005.

Art Unit: 2875

Claims 2, 5, 12, 13, 22 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: In regard to claims 2, 12 and 22, the prior art fails to teach or disclose a tongue member for suspending a lighting fixture that is integrally formed with the wall of the housing.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan Dzierzynski whose telephone number is (571)-272-2336. The examiner can normally be reached on Monday through Friday 7:00 am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on M-F (571)-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2875

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Evan Dzierzynski

1/30/2006



RENEE LUEBKE
PRIMARY EXAMINER